

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

MAY 1, 2007

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

ABSENT: NONE

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:

Kathleen L. Franco Simmons
City Clerk

Virginia Bass
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on May 2, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for City of Eureka
Employee organization: Eureka Police Officers Association (EPOA),
Eureka Firefighters' Local #652 (EFL), Eureka City Employees' Association (ECEA),
unrepresented management, mid-management, and confidential employees.
Pursuant to California Government Code Section 54957.6

C. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Forster-Gill, a California Corporation, and Scott Dunn v. City of
Eureka et al., Case No. CV-070218.
Pursuant to California Government Code Section 54956.9(a)

D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation: one case.
Pursuant to California Government Code Section 54956.9(b)

Upon reconvening to Open Session, it was announced that there were no final actions to report.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Invocation

ACTION:

The invocation was given by Andrew Broese Van Groenou, Senior Chaplain Humboldt County Sheriff's Office.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Mayor's announcements

ACTION:

Mayor Bass presented the following proclamation:

"Peace Officer Memorial Week" May 13-19, 2007, received by Police Chief Garr Nielsen

Councilmember Kerrigan presented the following proclamation:

"Mental Health Month" May 2007, received by Henry Willey

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Public comment period

ACTION:

No one expressed an interest in addressing the council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of April 17, 2007 as submitted.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Claim for damages of Burgess, Margorie.

ACTION:

City Attorney Sheryl Schaffner provided a report. No individuals expressed an interest in addressing the public regarding this subject matter.

Council rejected the claim of Burgess, Margorie.

Adopted on motion by Councilmember JONES, seconded by Councilmember LEONARD, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Request for exception to the hiring freeze – Administrative Assistant.

ACTION:

Council approved the exception to the hiring freeze for the Administrative Assistant position, which is already included in the FY 06/07 budget.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on May 2, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Request for exception to the hiring freeze – Accounting Specialist I/II.

ACTION:

Council approved the exception to the hiring freeze for the Accounting Specialist I/II position, which is already included in the FY 06/07 budget.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Sequoia Park Zoo Foundation donation and construction of chimp exhibit improvement.

ACTION:

Council accepted a donation from the Sequoia Park Zoo Foundation in the amount of \$98,981.11, appropriated corresponding funds to Acct No. 241-4700-7110 PJ707-2, and authorized staff to prepare a purchase order change order for the Sequoia Park Zoo Vet Center and Shift Cage Project Bid No. 2006-32 in the amount of \$98,981.11.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Purchase of one Tennant 7400 Rider Scrubber/Sweeper.

ACTION:

Council awarded the purchase of a Tennant 7400 Rider Scrubber/Sweeper to Tennant Sales and Service Company through the California Multiple Award Schedule (CMAS) Contract #4-06-38-0001B in the amount of \$46,555.44.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Accept City of Eureka Maintenance Dredging Project Bid No. 04-930.

ACTION:

Council accepted City of Eureka Maintenance Dredging Project, authorized the filing of a Notice of Completion in the Office of the Humboldt County Recorder; and authorized the Finance Officer to make final payment in conformance with the contract.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Resolution accepting the easement deed for McFarlan Street Trail.

ACTION:

The following individuals addressed the council regarding this subject matter:
Al and Alice Krause, Eureka

Council adopted Resolution No. 2007-20 accepting the easement deed for the
McFarlan Street Trail, and authorized the Mayor and City Manager to execute all
related documents.

Adopted on motion by Councilmember ENDERT, seconded by Councilmember GLASS,
and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and
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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Waterfront Drive Connection Phase II; "G" to "J" Streets; Project No.
RPSTPL-5017(020), E.A. No.: 01-281804.

ACTION:

Council adopted Resolution No. 2007-21 appointing the City Engineer as agent of the City of Eureka, and authorizing the City Engineer, as the agent of the City of Eureka, to execute revised Administering Agency-State Master Agreement No. 01-5017R and all necessary Program Supplement Agreements for the project.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Communications & Water Systems Control Building, Bid No. 2006-13.

ACTION:

City Engineer Brent Siemer provided a report. The following individual addressed the council regarding this subject matter:

Mark Konkler, Eureka

Council declared Sequoia Construction specialties low bidder; awarded the construction contract for the Communications & Water Systems Control Building, Bid No. 2006-13, to Sequoia Construction Specialties in the amount of \$175,700; approved a total of \$200,00 for construction, which includes a contingency of approximately 15%; and approved transfer of previously allocated Water Bond funds in the amount of \$49,000 to complete the construction of the project.

Adopted on motion by Councilmember LEONARD, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Resolution requesting temporary extension of maximum hours worked by a retired employee.

ACTION:

Council adopted Resolution No. 2007-22 requesting the temporary extension of the maximum allowable hours to be worked by a retired employee.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: 10th Annual Soroptimist Women's Health Fair.

ACTION:

Council waived fees for rental of the Adorni Center May 21, 2007.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Authorization for Mayor to send letter of opposition to Senate Bill 964.

ACTION:

City Manager Tyson provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council authorized the Mayor to send a letter of opposition to Senator Pat Wiggins and Senator Gloria Romero opposing Senate Bill 964.

Adopted on motion by Councilmember GLASS, seconded by Councilmember ENDERT, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 14

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Eureka Art and Culture Commission Public Art Policy and Guidelines.

ACTION:

Council received report by Special Projects Manager Gary Bird and Art and Culture Commission member Lori Goodman on adoption of new guidelines formulated by the Eureka Art and Culture Commission intended to promote public art projects in the city. The following individuals addressed the council regarding this subject matter:

Alice Krause, Eureka

Council directed staff to forward guidelines to Council for adoption/acceptance at a future meeting.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Citizens for Port Development meeting, May 2; City Manager to provide a semi-annual update on Eureka waterfront projects
- Legislative Action Days, Sacramento, May 16-17

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 1, 2007.

SUBJECT: Adjournment

ACTION:

On motion by Councilmember KERRIGAN, seconded by Councilmember ENDERT, and without objection, the meeting was adjourned at 7:36 p.m.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK